

Mara E. Rosales (SBN: 104844)  
mrosales@meyersnave.com  
Joseph M. Quinn (SBN: 171898)  
jquinn@meyersnave.com  
MEYERS, NAVE, RIBACK, SILVER & WILSON  
575 Market Street, Suite 2600  
San Francisco, California 94105  
Telephone: (415) 421-3711  
Facsimile: (415) 421-3767

Attorneys for Defendants  
CITY OF OAKLAND and  
PORT OF OAKLAND

David L. Alexander, Port Attorney (SBN: 59069)  
dalexand@portoakland.com  
Danny Wei Wan, Deputy Port Attorney (SBN: 168323)  
dwan@portoakland.com  
PORT OF OAKLAND  
530 Water Street  
Oakland, California 94607  
Telephone: (510) 627-1136  
Facsimile: (510) 444-2096

Attorneys for Defendant  
PORT OF OAKLAND

**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

AMERICAN CIVIL RIGHTS  
FOUNDATION, a non-profit, public benefit  
corporation,

Plaintiff,

v.

CITY OF OAKLAND, CALIFORNIA, a  
political subdivision of the State of California  
and the PORT OF OAKLAND, a public  
entity,

Defendants.

CASE NO. CV 07-6058 (CRB)

**NOTICE OF HEARING ON  
DEFENDANTS' MOTION TO DISMISS  
PURSUANT TO FRCP 12(b)(6)**

Date: January 25, 2008  
Time: 10:00 a.m.  
Courtroom: Courtroom 8, 19<sup>th</sup> Floor  
Judge: Hon. Charles R. Breyer

1 PLEASE TAKE NOTICE that pursuant to the standing orders of Honorable Charles R.  
2 Breyer (Standing Orders, ¶ 2) and the Court's Reassignment Order (Reassignment Order, Dec. 11,  
3 2007, Dkt. No. 20) Defendants' Motion to Dismiss pursuant to FRCP 12(b)(6) will be heard on  
4 Friday, January 25, 2008 at 10:00 a.m. before Honorable Charles R. Breyer, District Court Judge  
5 at the United States District Court for the Northern District of California, 450 Golden Gate  
6 Avenue, San Francisco, California, 94102.

7  
8 DATED: December 14, 2007

Respectfully submitted,

9 MEYERS, NAVE, RIBACK, SILVER & WILSON

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11 By: /s/  
12 Mara E. Rosales  
13 Attorneys for Defendants CITY OF OAKLAND  
14 and PORT OF OAKLAND

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**PROOF OF SERVICE****FRCP RULE 5(b)**

I am employed in the City of San Francisco and County of San Francisco, California. I am over the age of 18 years and not a party to the within action. My business address is MEYERS, NAVE, RIBACK, SILVER & WILSON, 575 Market Street, Suite 2600, San Francisco, California 94105.

On December 14, 2007, I served the within:

**NOTICE OF HEARING ON DEFENDANTS' MOTION TO DISMISS PURSUANT TO FRCP 12(b)(6)**

on the parties in this action by placing a true copy thereof in a sealed envelope, addressed as follows:

Sharon L. Brown, Esq. Alan W. Foutz Ralph W. Kasarda, Jr. Pacific Legal Foundation 3900 Lennane Drive, Suite 200 Sacramento, California 95834	Attorneys For Plaintiff, American Civil Rights Foundation Telephone: (916) 419-7111 Facsimile: (916) 419-7747
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X (By First Class Mail) I caused each such envelope, with postage thereon fully prepaid, to be placed in the United States mail at San Francisco, California. I am readily familiar with the business practice for collection and processing of mail in this office; and that in the ordinary course of business said document would be deposited with the U. S. Postal Service in San Francisco on that same day. I understand that service shall be presumed invalid upon motion of a party served if the postal cancellation date or postage meter date on the envelope is more than one day after the date of deposit for mailing contained in this declaration.

X (BY ELECTRONIC SERVICE) I caused said document(s) to be sent via electronic means to the email address(es) registered on the courts ECF website for the above-referenced case.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

EXECUTED at San Francisco, California, on December 14, 2007.

  
 Jamie Benson